

PROCEDURE -----APPLYING FOR FREE PROCESS
(Waiver of Filing Fee for DOMESTIC RELATIONS Cases)

1. APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

A. *Caption.* Type or print legibly the caption in the following format:

(Your Name),

Petitioner,

vs.

(The person you are suing),

Respondent.

B. *Fill in all blanks* completely and accurately. If any of the requested information does not apply to you, enter "N/A."

C. *Notarized Signature Required!* Sign your name on the signature block on the last page *before a notary*. ***Complete address and phone number also required!*** If no phone, write "NONE." Notary service is available in the Civil and Domestic Relations Divisions of the courthouse, but you can also go to any available notary public. You must have picture identification with you.

2. ORDER ON APPLICATION FOR FREE PROCESS:

A. *Caption Only.* Type or print legibly the caption as you did on the Application.

B. *DO NOT WRITE ANYTHING ELSE.* The judge will fill in the rest of the Order.

3. *IF YOU ARE REPRESENTED BY AN ATTORNEY IN THIS CASE:*

Have your attorney fill out **ATTORNEY'S AFFIDAVIT SUPPORTING INDIGENCY.**

If you are not represented by an attorney DO NOT submit this form.

4. *Submit* your completed Free Process packet to ***Family Court Reception***, along with the ***Petition*** or the ***Motion*** you wish to file. The Family Court Reception is *located on the Second Floor of the Bernalillo County Courthouse, at 400 Lomas Blvd., NW and is open between the hours of 8:00 a.m. - 12:00 noon and 1:00 p.m. - 5:00 p.m., Monday-Friday.*

5. *Return* to the Family Court Reception area after five (5) business days to check whether the judge approved your ***Order for Free Process***. ***Be sure to carefully read your Free Process Order!*** ***NOTE: Free Process does not mean that your entire case is free! Even if the judge waives your filing fee, you might still be responsible to pay for service of process and other court fees. Although Free Process might include service fees by the sheriff within Bernalillo County, YOU are responsible for arranging for service. Other costs normally not covered by Free Process are listed at the bottom of the Order.***

6. *If the judge did not grant Free Process, you must pay the filing fee.*